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UNITED BEHAVIORAL HEALTH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,  
  
Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,  
  
Defendant.

Case No. 3:14-CV-02346-JCS  
Related Case No. 3:14-CV-05337-JCS

**STIPULATION AND [PROPOSED] ORDER  
STAYING ENFORCEMENT OF: (1) THE  
COURT'S REMEDIES ORDER (ECF No.  
491); (2) FURTHER PROCEEDINGS  
BEFORE THE SPECIAL MASTER; AND (3)  
ORDERS BY THE SPECIAL MASTER (ECF  
Nos. 568 & 572)**

GARY ALEXANDER, *et al.*,  
Plaintiffs,  
v.  
UNITED BEHAVIORAL HEALTH,  
Defendant.

1           **IT IS HEREBY STIPULATED AND AGREED** by the Parties in the above-captioned  
2 action, by and through their respective counsel of record, as follows:

3           WHEREAS, the Court entered a Remedies Order in this action on November 3, 2020  
4 (“Remedies Order,” ECF No. 491);

5           WHEREAS, the Court entered an Order Appointing Special Master in this action on  
6 January 27, 2021, in which the Court appointed Mr. Douglas Young “to serve as a special master  
7 to oversee and verify UBH’s compliance with Sections III and IV of the Court’s Remedies Order”  
8 (“Appointment Order,” ECF No. 528);

9           WHEREAS, the Court entered judgment in favor of Plaintiffs on February 2, 2021  
10 (“Judgment” ECF No. 532);

11           WHEREAS, UBH appealed the Remedies Order and the Judgment to the Ninth Circuit  
12 Court of Appeals in consolidated Ninth Circuit Case Nos. 20-17363, 20-17364, 21-15193, and  
13 21-15194 (collectively, the “Merits Appeal”);

14           WHEREAS, on December 3, 2021, the Special Master filed an Order Regarding  
15 Implementation Issues Addressed in the Parties’ May 28, 2021 Joint Submission (“Special  
16 Master’s First Order,” ECF No. 568), which became final on January 18, 2022 pursuant to the  
17 Appointment Order;

18           WHEREAS, on January 20, 2022, the Special Master filed an Order Regarding Plaintiffs’  
19 September 24, 2021 Letter (“Special Master’s Second Order,” ECF No. 572), which became final  
20 on March 7, 2022 pursuant to the Appointment Order;

21           WHEREAS, on March 22, 2022, the Ninth Circuit entered a Memorandum disposition of  
22 the Merits Appeal in which the Ninth Circuit reversed the Judgment (“Memorandum  
23 Disposition,” ECF No. 583);

24           WHEREAS, on March 23, 2022, the Special Master filed his Seventh Status Report,  
25 stating: “In light of the Ninth Circuit’s Memorandum disposition, the Special Master is  
26 suspending work pending further notification from the Court and/or the parties” (ECF No. 584);

27           WHEREAS, Plaintiffs have informed UBH that Plaintiffs intend to petition the Ninth  
28 Circuit for rehearing of the Merits Appeal;

WHEREAS, the parties agree that, in light of the Memorandum Disposition and Plaintiffs' intent to seek rehearing before the Ninth Circuit, the Remedies Order and further proceedings before the Special Master—including but not limited to the Special Master's First Order and the Special Master's Second Order—and any enforcement thereof should be stayed pending issuance of mandate from the Ninth Circuit;

THEREFORE, the Parties stipulate and agree as follows:

1. The Remedies Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal;
2. The Special Master's First Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal;
3. The Special Master's Second Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal; and
4. Further proceedings before the Special Master, including all further proceedings or actions pursuant to the Appointment Order, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal.

IT IS SO STIPULATED.

Dated: March 25, 2022

ZUCKERMAN SPAEDER LLP

/s/ Adam Abelson

Caroline E. Reynolds  
Adam Abelson  
Attorneys for Plaintiffs

Dated: March 25, 2022

CROWELL & MORING LLP

/s/ Jennifer S. Romano

Jennifer S. Romano  
April N. Ross  
Nathaniel P. Bualat  
Andrew Holmer  
Attorneys for Defendant United Behavioral  
Health

**ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: March 25, 2022

/s/ Jennifer S. Romano  
Jennifer S. Romano

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING  
THEREFORE, THE COURT ORDERS AS FOLLOWS:**

1. The Remedies Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal;
2. The Special Master's First Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal;
3. The Special Master's Second Order, and any enforcement thereof, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal; and
4. Further proceedings before the Special Master, including all further proceedings or actions pursuant to the Appointment Order, shall be stayed pending the issuance of mandate from the Ninth Circuit on the Merits Appeal.

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Joseph C. Spero  
Chief United States Magistrate Judge